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Attorneys for Complainant

**BEFORE THE  
PHYSICAL THERAPY BOARD OF CALIFORNIA  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

PHILLIP GREGORY GIBSON, P.T.  
840-B Hartnell Avenue  
Redding, CA 96002

Physical Therapist No. PT 6982

Respondent.

Case No. 1D-2002-63177

OAH No. N2005110326

**STIPULATED SETTLEMENT AND  
DISCIPLINARY ORDER**

IT IS HEREBY STIPULATED AND AGREED by and between the parties to the  
above-entitled proceedings that the following matters are true:

**PARTIES**

1) Steven K. Hartzell (Complainant) is the Executive Officer of the Physical  
Therapy Board of California. He brought this action solely in his official capacity and is  
represented in this matter by Bill Lockyer, Attorney General of the State of California, by  
Stephen M. Boreman, Deputy Attorney General.

2) Respondent Phillip Gregory Gibson, P.T. (Respondent) is represented in  
this proceeding by attorney Patrick Beasley, Esq., whose address is P.O. Drawer 994607,  
Redding, CA 96099-4607.

3) On or about December 16, 1974, the Physical Therapy Board of California

1 issued Physical Therapist No. PT 6982 to Phillip Gregory Gibson, P.T. (Respondent). The  
2 Therapist was in full force and effect at all times relevant to the charges brought in Accusation  
3 No. 1D-2002-63177 and will expire on August 31, 2006, unless renewed.

4 JURISDICTION

5 4) Accusation No. 1D-2002-63177 was filed before the Physical Therapy  
6 Board of California (Board), Department of Consumer Affairs, and is currently pending against  
7 Respondent. The Accusation and all other statutorily required documents were properly served  
8 on Respondent on September 7, 2005. Respondent timely filed his Notice of Defense contesting  
9 the Accusation. A copy of Accusation No. 1D-2002-63177 is attached as exhibit A and  
10 incorporated herein by reference.

11 ADVISEMENT AND WAIVERS

12 5) Respondent has carefully read, fully discussed with counsel, and  
13 understands the charges and allegations in Accusation No. 1D-2002-63177. Respondent has also  
14 carefully read, fully discussed with counsel, and understands the effects of this Stipulated  
15 Settlement and Disciplinary Order.

16 6) Respondent is fully aware of his legal rights in this matter, including the  
17 right to a hearing on the charges and allegations in the Accusation; the right to be represented by  
18 counsel at his own expense; the right to confront and cross-examine the witnesses against him;  
19 the right to present evidence and to testify on his own behalf; the right to the issuance of  
20 subpoenas to compel the attendance of witnesses and the production of documents; the right to  
21 reconsideration and court review of an adverse decision; and all other rights accorded by the  
22 California Administrative Procedure Act and other applicable laws.

23 7) Respondent voluntarily, knowingly, and intelligently waives and gives up  
24 each and every right set forth above.

25 CULPABILITY

26 8) Respondent admits the truth of the charges and allegations in Accusation  
27 No. 1D-2002-63177.

28 9) Respondent agrees that his Physical Therapist is subject to discipline and

1 he agrees to be bound by the Board's imposition of discipline as set forth in the Disciplinary  
2 Order below.

3 CIRCUMSTANCES IN MITIGATION

4 10) Respondent Phillip Gregory Gibson, P.T. has never been the subject of any  
5 disciplinary action. He is admitting responsibility at an early stage in the proceedings.

6 CONTINGENCY

7 11) This stipulation shall be subject to approval by the Physical Therapy Board  
8 of California. Respondent understands and agrees that counsel for Complainant and the staff of  
9 the Physical Therapy Board of California may communicate directly with the Board regarding  
10 this stipulation and settlement, without notice to or participation by Respondent or his counsel.  
11 By signing the stipulation, Respondent understands and agrees that he may not withdraw his  
12 agreement or seek to rescind the stipulation prior to the time the Board considers and acts upon  
13 it. If the Board fails to adopt this stipulation as its Decision and Order, the Stipulated Settlement  
14 and Disciplinary Order shall be of no force or effect, except for this paragraph, it shall be  
15 inadmissible in any legal action between the parties, and the Board shall not be disqualified from  
16 further action by having considered this matter.

17 12) The parties understand and agree that facsimile copies of this Stipulated  
18 Settlement and Disciplinary Order, including facsimile signatures thereto, shall have the same  
19 force and effect as the originals.

20 13) In consideration of the foregoing admissions and stipulations, the parties  
21 agree that the Board may, without further notice or formal proceeding, issue and enter the  
22 following Disciplinary Order:

23 DISCIPLINARY ORDER

24 IT IS HEREBY ORDERED that Physical Therapist No. PT 6982 issued to Respondent Phillip  
25 Gregory Gibson, P.T. is revoked. However, the revocation is stayed and Respondent is placed  
26 on probation for three (3) years on the following terms and conditions.

27 14) RESTRICTION OF PRACTICE - HOME CARE The respondent shall  
28 not provide physical therapy services in a patient's home.

1                   15)    RESTRICTION OF PRACTICE - REVIEW OF BILLING AND/OR  
2 DIRECT INSURANCE BILLING Respondent shall review all billings that are prepared for  
3 services provided by Gibson Physical Therapy.

4                   16)    RESTRICTION OF PRACTICE - PRACTICE AND BILLING  
5 MONITORING Within 30 days of the effective date of this decision, respondent shall submit to  
6 the Board or its designee for its prior approval a plan of practice in which respondent's practice  
7 and the billing for his practice shall be monitored by a physical therapist, licensed to practice in  
8 the State of California, who shall provide periodic reports to the Board or its designee.

9                   If the monitor resigns or is no longer available, respondent shall, within 10  
10 days, move to have a new monitor appointed, through nomination by respondent and approval by  
11 the Board or its designee.

12                  17)    RESTRICTION OF PRACTICE - CLINICAL INSTRUCTOR of  
13 PHYSICAL THERAPY STUDENT INTERNS or FOREIGN EDUCATED PHYSICAL  
14 THERAPY LICENSE APPLICANTS PROHIBITED. Respondent shall not supervise any  
15 physical therapy student interns or foreign educated physical therapy applicants during the entire  
16 period of probation. Respondent shall terminate any such supervisorial relationship in existence  
17 on the effective date of this probation.

18                  18)    NOTIFICATION TO PATIENTS The respondent shall notify all current  
19 and potential patients of any term or condition of probation which may affect their treatment or  
20 the confidentiality of their records. A copy of such notification shall be maintained in the  
21 patient's record.

22                  19)    EDUCATION COURSE Within 30 days of the effective date of this  
23 decision, respondent shall submit to the Board or its designee for prior approval, an education  
24 course in Ethics and Billing of not less than 20 hours. Respondent shall supply documentation  
25 verifying satisfactory completion of the coursework, signed by the instructor(s) of the course(s)  
26 and evidence, if applicable, of passing grades on exams or test given by the instructor.

27                  20)    PROBATION MONITORING COSTS All costs incurred by the Board  
28 for probation monitoring during the entire period of probation shall be reimbursed by respondent.

Respondent will be billed at least quarterly. Failure to make the ordered reimbursement within 60 days of the billing shall constitute a violation of the probation order. In addition to the filing of an Accusation or the issuance of an administrative citation, the filing of criminal charges shall be sought when appropriate.

21) COST RECOVERY The respondent is ordered to reimburse the Board the actual and reasonable investigative prosecutorial costs incurred by the Board in the amount of \$12,775. Said costs shall be reduced, however, and the remainder of \$18, 775 forgiven, if, within 90 days from the effective date of this decision, respondent reimburses the Board in the amount of \$3, 000. In the event Respondent fails to pay the costs of \$3,000 within the 90 days from the effective date of this decision, the full costs of \$21,775 shall be immediately due and payable. Failure to pay the ordered reimbursement, may constitute a violation of the probation order. The filing of bankruptcy by Respondent shall not relieve Respondent of his responsibility to reimburse the Board. If Respondent is in default of his responsibility to reimburse the Board, the Board will collect cost recovery from the Franchise Tax Board, the Internal Revenue Service or by any other means of attachment of earned wages legally available to the Board. Failure to fulfill the obligation could also result in attachment to Department of Motor Vehicle registrations and or license renewals.

22) OBEY ALL LAWS Respondent shall obey all federal, state and local laws, and statutes and regulations governing the practice of physical therapy in California.

23) COMPLIANCE WITH ORDERS OF A COURT The respondent shall be in compliance with any valid order of a court. Being found in contempt of any court may constitute a violation of probation.

24) QUARTERLY REPORTS Respondent shall submit quarterly declarations under penalty of perjury on forms provided by the Board, stating whether there has been compliance with all the conditions of probation.

25) PROBATION MONITORING PROGRAM COMPLIANCE Respondent shall comply with the Board's probation monitoring program.

26) INTERVIEW WITH THE BOARD OR ITS DESIGNEE Respondent

1 shall appear in person for interviews with the Board, or its designee, upon request at various  
2 intervals and with reasonable notice.

3 27) NOTIFICATION OF PROBATIONARY STATUS TO EMPLOYERS

4 The respondent shall notify all present or future employers of the reason for and the terms and  
5 conditions of the probation by providing a copy of the Accusation and the decision and order  
6 (stipulated settlement) to the employer. The respondent shall obtain written confirmation from  
7 the employer that the documents were received. If the respondent changes employment or  
8 obtains additional employment, the respondent shall provide the above notification to the  
9 employer and submit written employer confirmation to the Board within 10 days. The  
10 notification(s) shall include the name, address and phone number of the employer, and, if  
11 different, the name, address and phone number of the work location.

12 28) NOTIFICATION OF CHANGE OF NAME OR ADDRESS The

13 respondent shall notify the Board, in writing, of any and all changes of name or address within  
14 ten (10) days.

15 29) RESTRICTION OF PRACTICE - TEMPORARY SERVICES

16 AGENCIES Respondent may only practice or perform physical therapy in a supervised  
17 structured environment. The respondent shall not work for a temporary services agency or  
18 registry.

19 30) PROHIBITED USE OF ALIASES Respondent may not use aliases and

20 shall be prohibited from using any name which is not her legally-recognized name or based upon  
21 a legal change of name.

22 31) WORK OF LESS THAN 20 HOURS PER WEEK If the respondent

23 works less than 192 hours in a period of three months, those months shall not be counted toward  
24 satisfaction of the probationary period. The respondent shall notify the Board if her works less  
25 than 192 hours in a three month period.

26 32) TOLLING OF PROBATION The period of probation shall run only

27 during the time respondent is practicing within the jurisdiction of California. If, during probation,  
28 respondent does not practice within the jurisdiction of California, respondent is required to

1 immediately notify the probation monitor in writing of the date that respondent's practice is out  
2 of state, and the date of return, if any. Practice by the respondent in California prior to  
3 notification to the Board of the respondent's return will not be credited toward completion of  
4 probation. Any order for payment of cost recovery shall remain in effect whether or not  
5 probation is tolled.

6           33)    VIOLATION OF PROBATION If respondent violates probation in any  
7 respect, the Board, after giving respondent notice and the opportunity to be heard, may revoke  
8 probation and carry out the disciplinary order that was stayed. If an accusation or petition to  
9 revoke probation is filed against respondent during probation, the Board shall have continuing  
10 jurisdiction until the matter is final, and the period of probation shall be extended until the matter  
11 is final.

12           34)    CESSATION OF PRACTICE DUE TO RETIREMENT, HEALTH OR  
13 OTHER REASONS Following the effective date of this probation, if respondent ceases  
14 practicing physical therapy due to retirement, health or other reasons, respondent may request to  
15 surrender her license to the Board. The Board reserves the right to evaluate the respondent's  
16 request and to exercise its discretion whether to grant the request or to take any other action  
17 deemed appropriate and reasonable under the circumstances. Upon formal acceptance of the  
18 tendered license, the terms and conditions of probation shall be tolled until such time as the  
19 license is no longer renewable, the respondent makes application for the renewal of the tendered  
20 license or makes application for a new license.

21           35)    COMPLETION OF PROBATION Upon successful completion of  
22 probation, respondent's license or approval shall be fully restored.

23           36)    WRITTEN EXAM ON THE LAWS & REGULATIONS GOVERNING  
24 THE PRACTICE OF PHYSICAL THERAPY Within 90 days of the effective date of this  
25 decision, respondent shall take and pass the Board's written examination on the laws and  
26 regulations governing the practice of physical therapy in California. If respondent fails to pass  
27 the examination, respondent shall be suspended from the practice of physical therapy until a  
28 repeat examination has been successfully passed.

1                   37)   PRACTICE OR PERFORMANCE OF PHYSICAL THERAPY WHILE  
2 ON PROBATION It is not contrary to the public interest for the respondent to practice or  
3 perform physical therapy under the probationary conditions specified in the disciplinary order.  
4 Accordingly, it is not the intent of the Board that this order, the fact that respondent has been  
5 disciplined, or that respondent is on probation, shall be used as the sole basis for any third party  
6 payor to remove respondent from any list of approved providers.

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8  
9   ACCEPTANCE

10                   I have carefully read the above Stipulated Settlement and Disciplinary Order and  
11 have fully discussed it with my attorney, Patrick Beasley. I understand the stipulation and the  
12 effect it will have on my Physical Therapist. I enter into this Stipulated Settlement and  
13 Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the  
14 Decision and Order of the Physical Therapy Board of California.

15 DATED: March 10, 2006.

16  
17   Original Signed By:  
18   PHILLIP GREGORY GIBSON, P.T.  
19   Respondent

20                   I have read and fully discussed with Respondent Phillip Gregory Gibson, P.T. the  
21 terms and conditions and other matters contained in the above Stipulated Settlement and  
22 Disciplinary Order. I approve its form and content.

23 DATED: March 10, 2006.

24  
25   Original Signed By:  
26   PATRICK BEASLEY  
27   Attorney for Respondent

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ENDORSEMENT

The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully submitted for consideration by the Physical Therapy Board of California of the Department of Consumer Affairs.

DATED: March 10, 2006.

BILL LOCKYER, Attorney General  
of the State of California

Original Signed By:  
STEPHEN M. BOREMAN  
Deputy Attorney General

Attorneys for Complainant

DOJ Docket/Matter03575-160-SA2004AD0035

**Exhibit A**

**Accusation No. 1D-2002-63177**

**BEFORE THE  
PHYSICAL THERAPY BOARD OF CALIFORNIA  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

PHILLIP GREGORY GIBSON, P.T.  
840-B Hartnell Avenue  
Redding, CA 96002

Physical Therapist No. PT 6982

Respondent.

Case No. 1D-2002-63177

OAH No. N2005110326

**DECISION AND ORDER**

The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Physical Therapy Board of California, Department of Consumer Affairs, as its Decision in this matter.

This Decision shall become effective on April 24, 2006.

It is so ORDERED March 23, 2006.

Original Signed By: Donald A. Chu, PhD, PT, President  
FOR THE PHYSICAL THERAPY BOARD OF CALIFORNIA  
DEPARTMENT OF CONSUMER AFFAIRS